

**ASSEMBLY BILL**

**No. 999**

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**Introduced by Assembly Member Skinner**

February 27, 2009

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An act to amend Section 1719 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 999, as introduced, Skinner. Juveniles: Board of Parole Hearings. Existing law sets forth the powers and duties of the Board of Parole Hearings with respect to juvenile court proceedings.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1719 of the Welfare and Institutions Code  
2     is amended to read:  
3     1719. (a) ~~Commencing~~ *On and after* July 1, 2005, the  
4     following powers and duties shall be exercised and performed by  
5     the Board of Parole Hearings: discharges of commitment, orders  
6     to parole and conditions thereof, revocation or suspension of parole,  
7     and disciplinary appeals.  
8     (b) Any ward may appeal an adjustment to his or her parole  
9     consideration date to a panel comprised of at least two  
10    commissioners.

1 (c) The following powers and duties shall be exercised and  
2 performed by the Division of Juvenile Facilities: return of persons  
3 to the court of commitment for redispotion by the court,  
4 determination of offense category, setting of parole consideration  
5 dates, conducting annual reviews, treatment program orders,  
6 institution placements, furlough placements, return of nonresident  
7 persons to the jurisdiction of the state of legal residence,  
8 disciplinary decisionmaking, and referrals pursuant to Section  
9 1800.

10 (d) The department shall promulgate policies and regulations  
11 implementing a departmentwide system of graduated sanctions  
12 for addressing ward disciplinary matters. The disciplinary  
13 decisionmaking system shall be employed as the disciplinary  
14 system in facilities under the jurisdiction of the Division of Juvenile  
15 Facilities, and shall provide a framework for handling disciplinary  
16 matters in a manner that is consistent, timely, proportionate, and  
17 ensures the due process rights of wards. The department shall  
18 develop and implement a system of graduated sanctions which  
19 distinguishes between minor, intermediate, and serious misconduct.  
20 The department may extend a ward's parole consideration date,  
21 subject to appeal pursuant to subdivision (b), from one to not more  
22 than 12 months, inclusive, for a sustained serious misconduct  
23 violation if all other sanctioning options have been considered and  
24 determined to be unsuitable in light of the ward's previous case  
25 history and the circumstances of the misconduct. In any case in  
26 which a parole consideration date has been extended, the  
27 disposition report shall clearly state the reasons for the extension.  
28 The length of any parole consideration date extension shall be  
29 based on the seriousness of the misconduct, the ward's prior  
30 disciplinary history, the ward's progress toward treatment  
31 objectives, the ward's earned program credits, and any extenuating  
32 or mitigating circumstances. The department shall promulgate  
33 regulations to implement a table of sanctions to be used in  
34 determining parole consideration date extensions. The department  
35 also may promulgate regulations to establish a process for granting  
36 wards who have successfully responded to disciplinary sanctions  
37 a reduction of up to 50 percent of any time acquired for disciplinary  
38 matters.

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